IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF NORTH CAROLINA

ASHEVILLE DIVISION

CIVIL ACTION 1:07-CV-231

FILED
ASHEVILLE, N.C.
JUL 31 2007
U.S. DISTRICT COURT
W. DIST. OF N.C.

C. Burgess,]

Plaintiff]

]

vs.] MOTION TO RECONSIDER

] RULE 59-FRCP

Eforce Media, Inc., et als]

Defendants]

]

The Court entered an order on July 19, 2007, stating, basically, that because one Defendant in this action had filed an answer to the complaint, that ALL Defendants were then given free rein to be excused from Rule 41, after the Plaintiff filed his Dismissal without prejudice.

This is neither the meaning nor the character of Rule 41.

Rule 41 points out to an adverse party filing an answer or motion for summary judgment. The Court is correct in regard to Defendant PriceGrabber.com, but the

Dockets.Justia.com

idea of somehow holding all the other Defendants in the suit because of that one answer is just not legally correct.

The Plaintiff moves this Court to reconsider its ruling of July 19, 2007, and allow the dismissal to go forward as is provided by law.

Respectfully submitted this the 30th of July, 2007.

C. Burgess

POB 6355

Hendersonville, NC 28793

828-595-4290

CERTIFICATE OF SERVICE

I do certify that a true copy of this pleading was sent by first class mail to all counsel of record in this matter on this the 30th day of July, 2007.

C. Burgess

28793-6355

ASHEVILLE NC 288

30 JUL 2007 PM

USA FIRST-CLASS FOREVER

Clerk of Court
Civil
U. S. District Court
100 Otis Street
Asheville, NC 28801

28801+2608